

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

H07-030 located on the northwesterly corner of Curtner Avenue and Stone Avenue. (Extra Space Storage, Owner /Developer)
Council District: 7

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

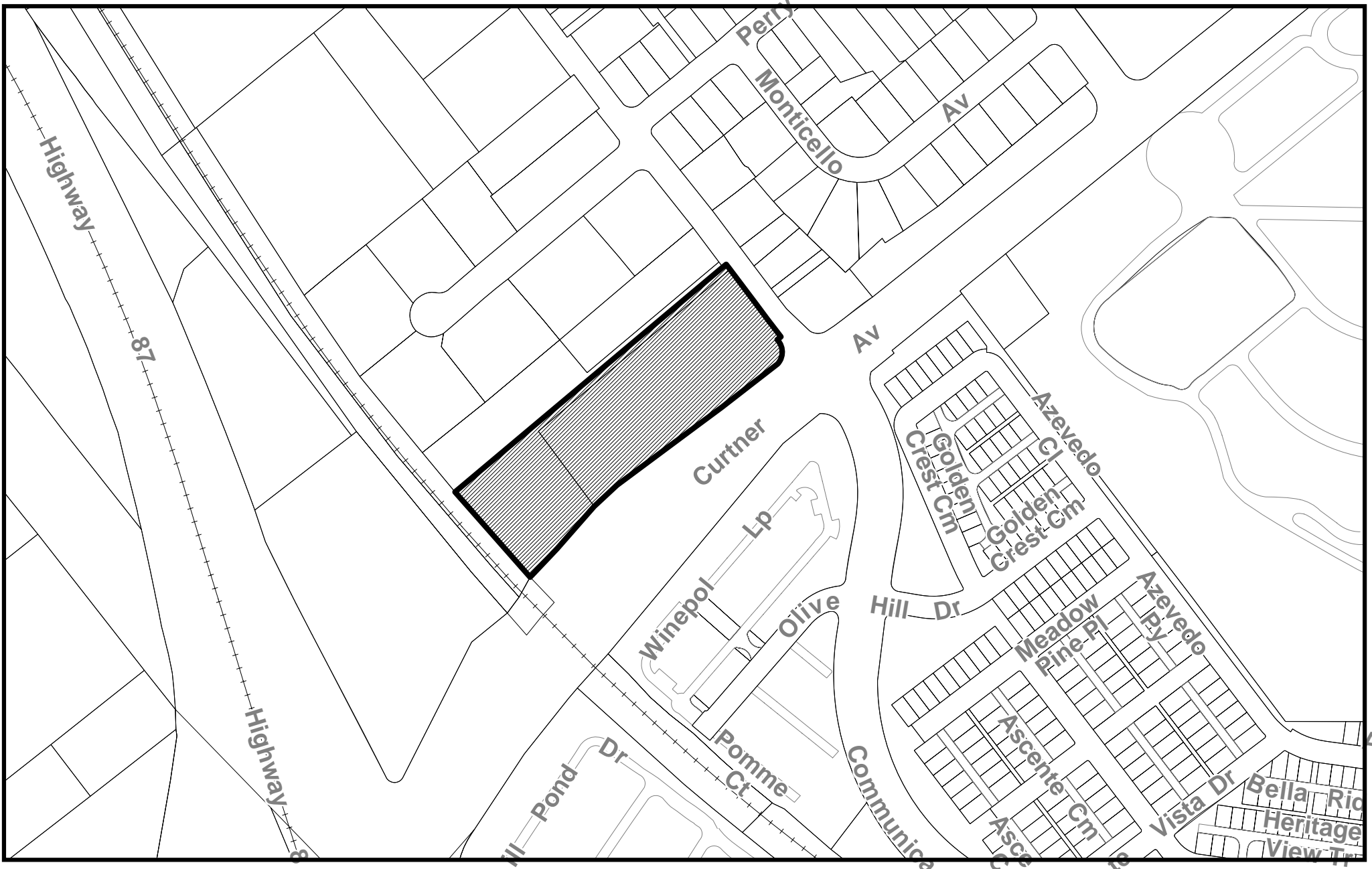
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **May 27, 2008**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **May 7, 2008** and ends on **May 27, 2008**.

A public hearing on the project described above is tentatively scheduled for **May 28, 2008 at 9:00 a.m.** in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the **Biblioteca Latino-Americana Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Chris Burton** at (408) 535-3555.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: _____

Deputy



08/02/2007

Scale: 1"= 300'
Noticing Radius: 1000 feet

File No: H07-030

District: 7

Quad No: 99

PUBLIC HEARING NOTICE

The Planning Director of the City of San José will consider a **Site Development Permit** at a public hearing in accordance with the San José Municipal Code on:

Wednesday, May 28, 2008
9:00 a.m.
City Council Chambers
City Hall
200 East Santa Clara Street
San Jose, CA 95113

The project being considered is:

H07-030. Site Development Permit to allow the demolition an existing single-family residence, tank house and associated accessory structures and the construction of a 133,250 s.f. mini-storage facility, including a caretaker's residence, on a 4.4 gross acre site in the HI Heavy Industrial Zoning District, located on the northwest corner of Curtner Avenue and Stone Avenue (2185 STONE AV) (Extra Space Storage, Owner). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration.

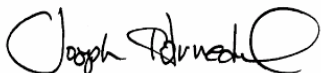
Reports, drawings, and documents along with a draft permit and recommendations will be available for review during the week of the public hearing from 9:00 a.m. to 5:00 p.m., Monday through Friday at:

Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, CA 95113
(408) 535-7800
<http://www.sanjoseca.gov/planning/hearings/>

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call (408) 535-7800 (Voice)/TTY# (408) 294-9337 at least 48 hours before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 277-3068. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709.** The decision of the Director may be appealed in accordance with the requirements of the San José Municipal Code. Instructions for filing a permit appeal are available from the Department of Planning, Building and Code Enforcement.

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions should be referred to the **Project Manager, Chris Burton**, at the e-mail address: chris.burton@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel, AICP

Dated: May 07, 2008

Noticing Radius: 1000 ft

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Extra Space Storage Rachel Roberts

PROJECT FILE NUMBER: H07-030

PROJECT DESCRIPTION: rachel.roberts@sanjoseca.gov Site Development Permit to allow the demolition an existing single-family residence, tank house and associated accessory structures and the construction of a 133,250 s.f. mini-storage facility, including a caretaker's residence, on a 4.42 gross acre site

PROJECT LOCATION & ASSESSORS PARCEL NO.: 455-07-012 & -013

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION: Extra Space Storage
2795 E Cottonwood Parkway,
Salt Lake City, UT, 84121

TR08-101
FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. AIR QUALITY** – The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site.
 1. Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
 2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;

3. Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
4. Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; and
5. Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
7. Enclose, cover, water at least twice daily, or apply not-toxic soil binders to exposed stockpiles (dirt, sand, etc.) to prevent visible dust from leaving the site;
8. Limit traffic speed on unpaved roads to 15 mph;
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
10. Replant vegetation in disturbed areas as quickly as possible.
11. Install wheel washers for all existing trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
12. Install wind breaks, or plant trees/ vegetative wind breaks at windward side(s) of construction areas.
13. Suspend excavation and grading activities when winds instantaneous gusts exceed 25 mph; and
14. Limit the area subject to excavation grading, and other construction activity at any one time

IV. BIOLOGICAL RESOURCES – The following Mitigation Measures shall be implemented by the project:

1. Trees to be removed shall be mitigated at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container
x:x = tree replacement to tree loss ratio Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.				

- i. The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.
- ii. In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:
- iii. The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.
- iv. An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact Todd Capurso, PRNS Landscape Maintenance Manager, at 277-2733 or todd.capurso@sanjoseca.gov for specific park locations in need of trees.

- v. A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. Contact Rhonda Berry, Our City Forest, at (408) 998-7337 x106 to make a donation. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.
2. **Raptors.** If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.
3. **Bats.** Surveys for roosting bats shall be conducted by a qualified biologist no more than thirty (30) days prior to any building demolition or removal, construction activities or Oak tree relocation and/or removal. If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony. Buffer zones may include a 200-foot buffer zone from the roost and/or timing of the construction activities outside the maternity roosting season (after July 31 and before March 1). If an active nursery roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats may be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such exclusion shall occur under the direction of a bat biologist, by sealing openings and providing bats with one-way exclusion doors. In order to avoid excluding all potential maternity roosting habitat simultaneously, alternative roosting habitat, as determined by the bat biologist, should be in place at least one summer season prior to the exclusion. Bat roosts should be monitored as determined necessary by a qualified bat biologist, and the removal or displacement of bats shall be performed in conformance with the requirements of the CDFG. A biologist report outlining the results of pre-construction surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading, building, or tree removal permit.

V. CULTURAL RESOURCES – The following Mitigation Measures shall be implemented by the project:

1. There shall be monitoring of site excavation activities to the extent determined by a qualified professional archaeologist to be necessary to insure accurate evaluation of potential impacts to prehistoric resources.
2. If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring occurred and that no further mitigation is necessary.
3. If evidence of any archaeological, cultural, and/or historical deposits are found, hand excavation and/or mechanical excavation will proceed to evaluate the deposits for determination of significance as defined by CEQA guidelines. The archaeologist shall submit reports, to the satisfaction of the City's Environmental Principal Planner, describing the testing program and subsequent results. These reports shall identify any program mitigation

that the Developer shall complete in order to mitigate archaeological impacts (including resource recovery and/or avoidance testing and analysis, removal, reburial, and curation of archaeological resources.)

4. In the event that human remains and/or cultural materials are found, all project-related construction shall cease within a 50-foot radius in order to proceed with the testing and mitigation measures required. Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California:
 - i. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
 - ii. A final report shall be submitted to the City's Environmental Principal Planner prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

VI. GEOLOGY AND SOILS – The project will not have a significant impact on this resource, therefore no mitigation is required.

VII. HAZARDS AND HAZARDOUS MATERIALS – The following Mitigation Measures shall be implemented by the project:

1. Prior to the issuance of Public Works clearance, a remediation program for the on site soil removal shall be submitted to the satisfaction of the Director of Planning, Building and Code Enforcement, the Environmental Services Department (ESD) and the Regional Water Quality Control Board. The applicant shall implement the approved plan to the satisfaction of the Director of Planning. Actions shall include, but will not be limited to verification of suitability for development by documentation of the quality of soil used to replace excavated soils.
 - i. Removal of impacted soil should be conducted prior to grading operations at the site to assure that reworked/recompacted soil does not contain elevated concentrations of the contaminants of concern as detailed in the EEI Geotechnical & Environmental Solutions Memorandum dated June 25, 2007. The estimated depth of excavation required is approximately 2 feet in all impacted areas, except in the vicinity of HA-11, which is estimate at approximately 3 feet, and the surface drains, which is estimated at 3 feet below the base of the drains.

VIII. HYDROLOGY AND WATER QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required.

X. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. NOISE – The project shall incorporate the following construction mitigation measures to meet the requirements of the California Building Code and mitigation measures to reduce interior noise levels to 45 dBA or lower:

1. Prohibit unnecessary idling of internal combustion engines.
2. Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.
3. The manager’s unit shall be equipped with forced air ventilation systems to allow the occupants the option of maintaining the windows closed to control noise, and maintain an interior noise level of 45 DNL. Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units to ensure that interior noise levels can be sufficiently attenuated to 45 DNL to the satisfaction of the Director of Planning, Building and Code Enforcement.
4. As this project is in an area with a noise level between 60 DNL and 70 DNL, this project will include mechanical ventilation, which will allow the windows to be closed for noise control and will reduce the noise levels inside the units by 25 DNL.
5. Install windows and glass doors so that the sliding window and glass door panels form an airtight seal when in the closed position and the window and glass door frames are caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration.
6. All window assemblies in the manager’s residence shall be well fitted and well weather-stripped. The perimeters of all window frames shall be sealed to the exterior wall construction with a weather-resistant sealant. All windows on the southeast and northeast elevations of the manager’s residence shall also be sound-rated assemblies that provide a minimum outdoor-indoor transmission class (OITC) rating of 28.
7. The entry door to the manager’s residence shall be well fitted and well weather-stripped assemble that provides a minimum OITC rating of 28. The perimeter of the entry door frame shall be sealed to the exterior wall construction with a weather-resistant sealant.
8. All exterior walls of the manager’s residence shall provide a minimum OITC rating of 34. This may be achieved in many ways, including with a 1” “outsulation? EIFS wall system by Dryvit.
9. The interior noise standard is to me met in the manager’s residence with windows and doors closed. Therefore, ventilation is required per the Uniform Building Code and Uniform Mechanical Code standards in order to provide a habitable environment. Wall-mounted air conditioners shall not be used.
10. All supply and return ducts to the exterior of the manager’s residence (including, but not limited to ducts serving HVAC equipment, bathroom fans, ad dryer exhausts) shall have the first five feet from the exterior of 20-gauge steel duct that is internally lined with one-inch thick coated glass fiber insulation. For compliance with health and safety requirements, kitchen exhaust ducts should not be lined. Each duct shall include a 90° bend within the first five feet from the exterior such that there is no direct line of site through the duct. Where a full 90° bend cannot be achieved, two 45° bends in succession (to form a zigzag) may be used such that there is no direct line of sight through the duct. All duct openings shall be oriented away from Curtner Avenue.
11. Heating units in the manager’s residence with flues or combustion air vents, if any, shall be located in a closet or room closed off from any occupied space by doors. The doors shall be weather-stripped solid core wood or minimum 20-gauge hollow steel assemblies at least 1 ¾” thick.
12. The roof system of the manager’s residence shall have a minimum ¾” plywood sheathing that is well sealed to form a continuous noise barrier to noise. Minimum R-19 unfaced fiberglass insulation batts shall be placed in the underside of the roof sheathing. Minimum 5/8” thick gypsum board or plaster ceilings shall be provided in all rooms. All joints in the ceiling shall be well fitted and/or caulked to from an airtight seal.

13. At any penetrations of the exterior walls of the manager's residence by pipes, ducts or conduits, the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar to form an airtight seal/
14. Except as identified in the items above, there shall be no other openings (through-the-wall or door mailboxes, vents, etc.) in the exterior facades of the manager's residence.

- XII. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required
- XVI. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVII. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **May 27, 2008**, any person may:

Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND.

Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 5/07/08

Deputy

Adopted on: _____

Deputy